



Cory A. Booker
Mayor

Anna P. Pereira
Corporation Counsel

Department of Law

January 11, 2012

VIA ELECTRONIC FILING

Claire C. Cecchi, U.S.D.J.
United States District Court
Federal Building and Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: Mark Stevens v. City of Newark, et als.
Docket No.: 09-1279 (PGS)

Dear Judge Cecchi:

Please accept this letter in opposition to the Plaintiff's Motion to Enforce the November 16, 2011 settlement in the above mentioned matter.

Plaintiff filed a Motion to Enforce the November 16, 2011 Settlement seeking to have a judgment entered against the City of Newark along with attorneys' fees associated with the motion. The undersigned understands the plaintiff's position but opposes the motion for the reasons stated below.

This matter settled before your Honor on November 16, 2011 for an undisclosed amount that required Municipal Council approval. At the time of the settlement, the undersigned represented to the Court that she would make all efforts to have the settlement placed on the agenda for the last meeting of the year which was December 21, 2011.

The undersigned forwarded to plaintiff's counsel on or about November 22, 2011 a Settlement Agreement and Release. In the cover letter, counsel was advised that upon approval of the settlement and receipt of all necessary documents, a voucher would be forwarded to him for his signature and once the voucher was returned, it would take approximately 2-3 weeks for the check to be issued. See Exhibit A attached hereto.

On or about December 6, 2011, this office received the signed Release and began the process of preparing a Resolution. See Exhibit B attached hereto. In the past, all Resolutions were done manually and then forwarded to the

appropriate departments for signatures before it was placed on the agenda. Beginning on December 1, 2011, the City implemented new software whereby all Resolutions are now done electronically and emails are sent to the appropriate departments for the necessary actions to be taken. This matter was the first settlement to be drafted under the new process. Unfortunately, there were issues in the order of approval that had to be changed which caused a delay in the Resolution being placed on the agenda for December 21, 2011. The undersigned was not made aware of this delay until she inquired as to whether the settlement was approved on December 21, 2011. At that time, the undersigned discovered there was a problem. The necessary steps were taken to correct the problem and the settlement is currently on the agenda for the next council meeting which is January 19, 2012. Upon approval, the voucher will be forwarded to plaintiff's counsel for signature. Once the voucher is received, the Finance Department will issue the check. Given the delay in paying the plaintiff, this office will work with Finance to expedite payment.

Given the unusual circumstances surrounding this settlement with the new Resolution process, the Defendants would respectfully request that the plaintiff's motion be denied in its entirety. The Defendants have not acted in bad faith and intend to consummate the settlement. The Defendants would respectfully ask the Court to extend the deadline to consummate the settlement to no later than February 1, 2012, which is two (2) weeks after the Municipal Council meeting. Plaintiff raised a concern in his motion that there is no guarantee the City of Newark will approve the settlement on January 19, 2012. Although the undersigned cannot guarantee how the Municipal Council will vote regarding this resolution, in my eight years with the City of Newark, I have not had a settlement rejected by the Council. This office is confident that the settlement will be approved on January 19, 2012.

Thank you for your attention to this matter.

Very truly yours,


Ayron M. Benjamin

Cc: Andrew Bronsnick, Esq.

EXHIBIT A



Cory A. Booker
Mayor

Anna P. Pereira
Corporation Counsel

Department of Law

November 22, 2011

Andrew Brosnick, Esq.
50 Packanack Lake Road
Wayne, New Jersey 07470

Re: Mark Stevens v. City of Newark, et al.
Civil Action Docket #: 09-1279 (CCC)

Dear Mr. Brosnick:

This letter will serve to confirm that your client has agreed to settle any and all of his claims against the City of Newark and the individual officers in the above matter for \$60,000.00 (sixty thousand dollars).

The City requires that the plaintiff execute the attached Settlement Agreement and Release form and Stipulation. I shall hold these documents in escrow pending final payment of this matter.

Upon approval of the settlement and receipt of all necessary documents, a Service and Expense Voucher will be forwarded to you for your signature. Once a signed voucher is returned, it will take approximately 2-3 weeks for issuance of the settlement draft.

If you have any questions, do not hesitate to contact the undersigned.

Very truly yours,

ANNA P. PEREIRA
CORPORATION COUNSEL
Attorney for Defendants
City of Newark, et al.

By:


Avien M. Benjamin
Assistant Corporation Counsel

AMB/daa
Encls.

EXHIBIT B

MASSOOD & BRONSNICK, LLP

JOSEPH A. MASSOOD
ANDREW R. BRONSNICK *

COUNSELLORS AT LAW

KEVIN J. SAVAGE +
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PARALEGALS
ELIZABETH BABITSCH
DARA K. SIERRA

*NJ, NY, DC and MD Bars
^ NJ and NY Bars
+ NJ, NY, DC and WA Bars

Email: MAIL@MASSOODLAW.COM

December 1, 2011

Avion M. Benjamin, Esq.
Assistant Corporation Counsel
City of Newark
920 Broad Street
Newark, New Jersey 07102

Re: Stevens v. City of Newark
Docket No.: 09-1279 (PGS)

Dear Ms. Benjamin:

This shall serve to confirm that the above referenced matter has settled for the total sum of \$60,000.00.

Accordingly, I am enclosing your original Release which has been duly executed and notarized by my client and this firm's completed W-9 form.

I ask that you kindly hold the enclosed in escrow pending my receipt of the settlement proceeds. This firm's tax id number is 22-3783810. Should you have any questions, please feel free to contact me.

Very Truly Yours,

By: 

ANDREW R. BRONSNICK, ESQ.

ARB/lb

Enclosure

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RECEIVED
CITY OF NEWARK
CLERK OF SUPERIOR COURT